

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

In the Matter of the Petition of General Dynamics for the Perpetuation of Testimony) Case No. 2:10-mc-00146-RMG
)
) ORDER
)

This matter comes before the Court on a verified petition pursuant to Rule 27(a) of the Federal Rules of Civil Procedure to preserve the testimony of Douglas Wickenhoefer, Sr. (hereafter "Mr. Wickenhoefer"). The Court conducted a hearing on this matter on February 11, 2011. The Court finds that Petitioner has submitted its verified petition in compliance with Rule 27(a)(1) and provided proper notice to each expected adverse party in compliance with the provisions of Rule 27(a)(2), with the exception being that, as General Dynamics admitted at the hearing, General Dynamics had not properly served the South Carolina Attorney General. The hearing was adjourned so that General Dynamics could have time to properly serve the South Carolina Attorney General. (See Dkt. No. 9.) On February 28, 2011, it filed proof of service upon the South Carolina Attorney General. (Dkt. No. 10.) The following day, March 1, 2011, the South Carolina Attorney General, by and through T. Parkin Hunter, Assistant Attorney General, filed an acknowledgment of service and indicated the South Carolina Attorney General "consents to the relief requested in the Petition for Preservation of Testimony Before Action Pursuant to Fed. R. Civ. P. 27(a)." (Dkt. No. 13.)

Based upon the filings submitted to this Court and the information provided at the hearing in this matter, the Court is satisfied that perpetuating the testimony of Mr. Wickenhoefer may prevent a failure or delay in justice. Therefore, the Court hereby authorizes the taking of the

oral videotaped deposition of Mr. Wickenhoefer to preserve his knowledge regarding any discharges of hazardous substances, including trichloroethylene, at the "Donwal Site" on Industrial Road in Summerville, South Carolina. The deposition will be taken in accord with the Federal Rules of Civil Procedure and Local Rules for the District of South Carolina. General Dynamics is instructed to provide notice of the date, time, and location of Mr. Wickenhoefer's deposition, along with a copy of this Order, to all expected adverse parties (including the South Carolina Attorney General) when noticing the deposition. General Dynamic's Petition is therefore **GRANTED**. The Clerk is directed to close this case.

AND IT IS SO ORDERED.



The Honorable Richard Mark Gergel
United States District Judge

Charleston, South Carolina
March 1, 2011